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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/596,853	06/19/2000	Sho Kou	SONY-50N3456.01	4217
7590 02/25/2004			EXAMINER	
Wagner Murabito & Hao LLP Third Floor Two North Market Street San Jose, CA 95113			NALEVANKO, CHRISTOPHER R	
			ART UNIT	PAPER NUMBER
			2611	5

DATE MAILED: 02/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/596,853

Applicant(s)

KOU, SHO

Examiner

Christopher R Nalevaňko

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 December 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 12/08/2003 have been fully considered but they are not persuasive. Regarding Claim 1, Applicant argues that "Wasilewski fails to teach or suggest setting at least one flag of a plurality of flags in a command, the step of setting defining the type of information the attribute field describes, as claimed" (page 8 lines 4-6). Wasilewski shows setting a flag in an attribute field to designate a 'Composite Channel Indicator (CCI)' (col. 3 lines 30-38, col. 9 lines 23-28, 55-67, see fig. 2 LCT 32). When this flag is set to '1', the information is defined as a composite channel. This, in turn, causes a different internal request than if not a composite channel.
2. Applicant's arguments filed 12/08/2003 have been fully considered but they are not persuasive. Regarding Claim 1, Applicant argues that "the rejection fails to assert the claimed limitation of the table being sent responsive to the value of the flag, as claimed. Moreover, Applicants respectfully assert that a table is not sent responsive to a value of a flag of the command, as claimed" (page 9 lines 10-13). Wasilewski shows that a flag in an attribute field is set, defining information, as described above (col. 3 lines 30-38, col. 9 lines 23-28, 55-67, see fig. 2 LCT 32). Depending on the value of this flag, a different table is sent for internal processing to display the correct channel. The flag determines what table is used to look up the correct channel (col. 9 lines 20-30, 55-67). Wasilewski shows that if a channel is not a composite channel (CCI=0), the LCN is returned and used to retrieve the transport stream id (TSID). Furthermore, if the CCI flag is set, a table is returned to tell the tuner and decoder to tune to a different stream.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1, 3-9, 11, and 13-16 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Wasilewski.

Regarding Claim 1, Wasilewski shows a digital television receiving system with a first device for receiving a digital television bit-stream (col. 4 lines 47-67, col. 5 lines 1-26) and a second device setting a value in an attribute field of a command, the command for requesting information, the second device setting at least one flag in said command (col. 3 lines 25-67, col. 9 lines 20-67, col. 10 lines 1-50). The second device can be seen as the intermediary controller that receives commands from the remote and then issues the commands to the receiving device, or tuner. Furthermore, Wasilewski shows returning a table to the second device (col. 9 lines 20-42).

Regarding Claim 3, Wasilewski shows that the command can be a command that directly selects data (col. 9 lines 15-30). This shows that the user selects the data.

Regarding Claim 4, Wasilewski shows that there could be event information (col. 9 lines 15-30). The event is the show being selected, and information regarding it is relayed through the controller.

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Regarding Claim 5, Wasilewski shows the information comprises information regarding the frequency to tune the tuner, which is navigational information (col. 9 lines 20-67).

Regarding Claim 6, Wasilewski shows a tuner device (see figure 1 item 12).

Regarding Claim 7, Wasilewski shows the second device is a controller (see figure 1 items 14 and 16, col. 9 lines 43-54).

Regarding Claim 8, Wasilewski shows that the bit-stream comprises digitized audio, video, and tables (col. 5 lines 1-26).

Regarding Claim 9, Wasilewski shows that the video is in MPEG format (col. 4 lines 47-64).

Regarding Claim 11, Wasilewski shows a device that stores tables that contain command information (col. 3 lines 55-67). It is inherent that this information is stored in a memory of some sort. Wasilewski also shows a second device connected to a bit stream (see figure 1 item 12). Also, it is inherent that there is a connection between the devices. Otherwise, information could not be exchanged. All of the other limitations of the claim, regarding the commands and tables, have been discussed with regards to claim 1.

Regarding Claim 13, the limitations of the claim have been discussed with regards to claim 7.

Regarding Claim 14, the limitations of the claim have been discussed with regards to claim 6.

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Regarding Claim 15, the limitations of the claim have been discussed with regards to claim 8.

Regarding Claim 16, the limitations of the claim have been discussed with regards to claim 9.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 2, 10, 12, and 17-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wasilewski.

Regarding Claim 12, Wasilewski shows that the value in an attribute field is determined by a setting in the flags (col. 9 lines 20-67, col. 10 lines 1-50). Wasilewski fails to show that the specific information of a time table, region table, or a text table is set according to these flags. Official Notice is given that it is well known and expected in the art, as shown in Wasilewski, to store information in tables. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to store this certain information in tables so that the system would use a system that is widely known and implemented.

Regarding Claim 2 and 18, Wasilewski shows using multiple tables to relay system information and functions (col. 3 lines 20-67). Wasilewski fails to show referring to virtual tables, region tables, and text tables. Official Notice is given that it is well

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known and expected in the art, as shown in Wasilewski, to store information in tables.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to store this certain information in tables so that the system would use a system that is widely known and implemented.

Regarding Claim 10, Wasilewski fails to show the use of a IEEE 1394 serial bus. Official Notice is taken that it is well know and expected in the art to use an IEEE 1394 serial bus to connect device. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Wasilweski with a serial bus so that the system would use a well-known industry standard to communicate between devices.

Regarding Claim 17, Wasilewski fails to show the use of a serial bus. Official Notice is taken that it is well know and expected in the art to use an serial bus to connect device. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Wasilweski with a serial bus so that the system would use a well-known industry standard to communicate between devices. All other limitations of the claim have been discussed regarding claim 11.

Regarding Claim 19, the limitations of the claim have bee discussed with regards to claim 7.

Regarding Claim 20, the limitations of the claim have bee discussed with regards to claim 6.

Regarding Claim 21, the limitations of the claim have bee discussed with regards to claim 8.

Regarding Claim 22, the limitations of the claim have been discussed with regards to claim 9.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher R Nalevanko whose telephone number is 703-305-8093. The examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on 703-305-4380. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

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Christopher Nalevanko

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703-305-8093

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February 20, 2004

A handwritten signature in black ink, appearing to read 'Vivek Srivastava', with a stylized, cursive script.

**VIVEK SRIVASTAVA
PRIMARY EXAMINER**